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Elimination of racism and racial discrimination

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

Report of the Secretary-General

I. Introduction

1. The present report was prepared pursuant to paragraph 21 of General Assembly resolution 52/111 of 12 December 1997, with a view to supplementing the report submitted by the Secretary-General to the Economic and Social Council at its substantive session of 1998 (E/1998/51).

II. Implementation of the Programme of Action within the United Nations system

A. Activities of the Office of the United Nations High Commissioner for Human Rights

Seminar on the role of Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination

2. Following General Assembly resolution 48/91 of 20 December 1993 proclaiming the Third Decade to Combat Racism and Racial Discrimination, and resolution 49/146 of 23 December 1994, by which the Assembly adopted the revised Programme of Action for the Third Decade, and in accordance with paragraph 10 of General Assembly resolution 51/81 of 12 December 1996, in which the Assembly recommended that a seminar be organized by the Centre for Human Rights in cooperation with the Committee on the Elimination of Racial Discrimination, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Telecommunication Union and other relevant United Nations bodies, non-governmental organizations and Internet service providers, the Office of the United Nations High Commissioner for Human Rights organized a seminar on the role of the Internet in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

3. The purpose of the seminar, which took place in Geneva from 10 to 14 November 1997, was to find ways and means to ensure responsible use of the Internet (see E/CN.4/1998/77/Add.2). The agenda for the seminar constituted the presentation of background papers prepared by experts on the following topics:

(a) Racism and racial discrimination on the Internet;

(b) Prohibition of racist propaganda on the Internet: juridical aspects, national measures;

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(c) Technical aspects of screening racist propaganda on the Internet: national measures;

(d) Technical aspects of screening racist propaganda on the Internet: international measures;

(e) Prohibition of racist propaganda on the Internet: juridical aspects, international measures;

(f) Elements relating to conduct and good practices for Internet-based materials.

4. Seminar participants deeply regretted and strongly condemned the use of the Internet by some groups and persons for the promotion of racist propaganda and hate speech in violation of international law and recommended that:

(a) An intergovernmental working group be established to draft guidelines for the ethical use of the Internet;

(b) The Commission on Human Rights consider the creation of a consultative group with a view to preparing a report in the framework of the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance;

(c) A code of conduct be formulated for Internet users and service providers and that consideration be given to who would establish the code and how it would be established;

(d) The United Nations Internet Web site be strengthened, particularly that of the Office of the United Nations High Commissioner for Human Rights, in order to aid under-resourced populations;

(e) The Committee on the Elimination of Racial Discrimination, in examining State parties' reports, should include reference to the Internet;

(f) The Internet be used as an educative tool to combat racist propaganda, prevent racist doctrines and practices and promote mutual understanding;

(g) The relevant United Nations bodies and specialized agencies and international and non-governmental organizations address the issue of access to the Internet within and among nations;

(h) Existing national criminal laws established to fight racism and racial discrimination be amended where necessary to apply to the Internet;

(i) States Members of the United Nations continue their cooperation and establish international juridical measures in compliance with their obligations under international law to prohibit racism on the Internet while respecting individual rights such as freedom of speech.

Seminar on immigration, racism and racial discrimination

5. In the context of the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (adopted by the General Assembly in its resolution 49/146), the Office of the United Nations High Commissioner for Human Rights organized a seminar on immigration, racism and racial discrimination in Geneva from 5 to 9 May 1997. The purpose of the seminar was to examine the contemporary forms and kinds of racism and racial discrimination facing immigrants and to recommend appropriate solutions (see E/CN.4/1998/77/Add.1).

6. The following topics were discussed on the basis of papers prepared by experts:

(a) Contemporary forms and manifestations of racism and racial discrimination;

(b) Globalization and immigration;

(c) National and international protection of immigrants;

(d) Protection of immigrants against discrimination in access to employment;

(e) Integration and/or preservation of immigrants' cultural identities in host countries.

7. Some experts expressed their Governments' reservations about the acceptance of the conclusions and recommendations of the seminar. Seminar participants regretted the absence of many of the countries most concerned by the issues discussed and welcomed the role played by non-governmental organizations and trade unions. Recommendations resulting from the seminar include the following:

(a) Governments should integrate and/or preserve immigrant cultural identities in the host country, respect individual choices about cultural adoption and invest in formal and non-formal educational programmes as an effective way to promote cultural understanding;

(b) A worldwide information, education and promotion campaign should be organized to bring into force the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and urge Governments to ratify and implement the Convention as well as relevant conventions of the International Labour Organization;

(c) The General Assembly should organize specific events on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights and in preparation for the World Conference on Racism, as well as establish an international forum for migrants' associations in order to encourage their involvement in, and concrete contribution to, those events;

(d) The Office of the United Nations High Commissioner for Human Rights should ask the Committee on Crime Prevention and Control about action by the Governments of immigrant-receiving countries to train law enforcement officials in non-discrimination under articles 1 and 2 of the Code of Conduct for Law Enforcement Officials;

(e) UNESCO should work with Governments to establish international equivalences among national diplomas in order to allow immigrants access to employment commensurate with their skills and with equal pay and promotion prospects.

Study on the economic factors contributing to the perpetuation of racism, xenophobia and other forms of discrimination

8. In its resolution 49/146, the General Assembly approved the revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, to be implemented between 1993 and 2003. In the context of the Programme of Action, the Secretary-General was requested to undertake a study on economic factors contributing to the perpetuation of racism and racial discrimination. Furthermore, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in his 1994 report stressed that racial discrimination was re-emerging in the economic field, in connection with economic crisis and growing levels of unemployment in most countries (A/49/677, annex, paras. 112 and 113).

9. The purpose of the study is to identify practices that lead to economic deprivation or exclusion of ethnic, racial, national and linguistic minorities as well as indigenous populations and migrants. The study will focus on situations in employment, education and training in countries from all geographical regions. Furthermore, it will propose concrete recommendations to Governments, including affirmative action or other action-oriented strategies aiming at remedying the situations addressed.

Racism project team

10. In response to the appeals of the General Assembly and the Economic and Social Council to coordinate all the activities of the Third Decade, the Office of the High Commissioner for Human Rights established a racism project team in March 1998. The team will promote liaison with other United Nations activities and exchange information with Member States and other organizations.

B. Activities of the Committee on the Elimination of Racial Discrimination

11. The joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/Sub.2/1998/4) was submitted to the Committee on the Elimination of Racial Discrimination at its fifty-third session and to the Subcommission on Prevention of Discrimination and Protection of Minorities at its fiftieth session. The Subcommission took note of the joint paper and underlined its importance with regard to future activities in combating racism and racial discrimination, particularly as related to migrants and displaced populations.

12. The purpose of the study was to analyse the reports of States parties to the Convention for the three-year period from 1995 to 1997 and to survey the steps taken by States Members of the United Nations in the field of human rights education to combat racial discrimination, irrespective of whether the State in question had ratified the Convention.

13. In its preliminary conclusions and recommendations, the paper stated that human rights education, with special emphasis on racial discrimination, should not be confined to public and private schools and universities. Teachers, lecturers, magistrates, senior administration and public officials and law enforcement officials, including members of the armed and security forces, must also be involved in special educational and training programmes emphasizing in particular article 7 of the Convention. The paper also recommended that States parties should, in cooperation with United Nations bodies and specialized agencies, develop and implement on a continuous basis not only specific programmes, but also strategies involving different channels of culture and information and take effective measures in the field of education and information aimed at giving effect to article 7.

C. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

14. In accordance with paragraph 29 (d) of General Assembly resolution 52/111, in which the Assembly decided that the Commission on Human Rights would act as the preparatory committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Office of the United Nations High Commissioner for Human Rights is undertaking reviews and will submit recommendations concerning the conference and the preparations thereof to the preparatory committee.

D. Activities not carried out because of low levels of contribution to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

15. The following activities to be implemented during the Third Decade to Combat Racism and Racial Discrimination (1993–2003), as set out in the revised Programme of Action approved by the General Assembly in its resolution 49/146, were not carried out because of low levels of contribution to the Trust Fund.

Action at the international level

16. The General Assembly had requested the Secretary-General to organize regional workshops and seminars. The following themes were among those suggested for the seminars:

(a) Seminar on the right to equal treatment before tribunals and other judicial institutions, including the provision of reparation for damages suffered as a result of discrimination;

(b) Seminar on the transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

(c) Seminar on international cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies;

(d) Seminar on the enactment of national legislation to combat racism and racial discrimination affecting ethnic groups, migrant workers and refugees in all parts of the world;

(e) Seminar on flows of refugees resulting from ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition and their link to racism in the host country;

(f) Training course on national legislation prohibiting racial discrimination for nationals from countries with and without such legislation;

(g) Regional seminars on nationalism, ethno-nationalism and human rights;

(h) Seminar for educational and training experts, including non-governmental organizations, in cooperation with UNESCO and other appropriate organizations, aimed at the development of educational materials and training courses for teachers and other opinion leaders on eliminating prejudice and fostering tolerance.

Basic research and studies

17. It had been suggested in paragraph 19 of the revised Programme of Action that the General Assembly might wish to examine the importance of preparing studies on racism. The following proposed studies have not been undertaken:

(a) Integration or preservation of cultural identity in a multiracial or multi-ethnic society;

(b) Political rights, including the participation of various racial groups in political processes and their representation in government service;

(c) Civil rights, including migration, nationality and freedom of opinion and association;

(d) Educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

(e) Socio-economic costs of racism and racial discrimination;

(f) Global integration against racism and racial discrimination in the fields of immigration, employment, salary, housing education and ownership of property.

E. Activities to be carried out during the Third Decade

18. The following activities are to be implemented during the Third Decade:

(a) Establishment of a focal point with the Office of the United Nations High Commissioner for Human Rights to coordinate all activities of the Third Decade to Combat Racism and Racial Discrimination;

(b) Creation of an open-ended working group to consider and formulate proposals to be forwarded to the preparatory committee of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(c) The organization of national and regional meetings to prepare for the World Conference, a process that would involve the engagement of five consultants, one for each region, for three months each to prepare background papers;

(d) The conduct by the Committee on the Elimination of Racial Discrimination, of a series of studies relating to the preparatory process leading up to the World Conference;

(e) The studies requested by the Subcommission relating to the preparatory process leading up to the World Conference;

(f) The preparation of a compendium of references to publications and other information on the fight against racism, racial discrimination, xenophobia and related intolerance;

(g) The organization, in 1998, 1999, 2000 and 2001, of symposia, seminars and worldwide consultations on racism, racial discrimination, xenophobia and related intolerance.

19. To implement the activities of the Programme of Action for the Third Decade, concrete proposals on how to ensure the financial and personnel resources required, including through the United Nations regular budget and extrabudgetary resources, should be considered by the General Assembly.

F. Status of the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

20. In paragraph 27 of its resolution 52/111, the General Assembly strongly appealed to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and to that end requested the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions.

21. In paragraph 12 of the same resolution, the General Assembly requested the Secretary-General to include in his report to the Assembly at its fifty-third session concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, including through the United Nations regular budget and extrabudgetary resources.

22. The contributions made by the international community to the Fund remained below the levels hoped for. Few of the activities planned for the period from 1994 to 1998 were therefore carried out. In view of the resources available, the Office of the United Nations High Commissioner for Human Rights will strive to the utmost to ensure that the forthcoming activities are carried out. The current status of the contributions to the Trust Fund is reflected in the annex to the present report.

Annex

Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

Contributions received from Governments since the establishment of the Trust Fund, as at 12 August 1998

(United States dollars)

	Contributions received from 1985 to July 1998													
Year	*1985*	*1986*	*1987*	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*
Austria		1 000						5 000						
Bahamas			500	500										
Bangladesh			1 000					448.85						
Belgium	1 500													
Cameroon		2 711			906									
Canada		2 000												
China			10 000											
Cyprus														1 000
Denmark	8 000													
Dominica								1 993	2 002					
Finland	5 000													
Germany	4 000													
India			10 000											
Indonesia					2 500									
Italy		4 000		10 000										
Jamaica					500									
Japan		10 000	10 000	10 000	10 000	10 000	10 000	10 000	10 000		10 000	10 000	10 000	10 000
Libyan Arab Jamahiriya					10 000				6 000					
Luxembourg							5 934							
Malaysia								500						
Netherlands		5 000												
Nigeria										2 000				
Norway	10 000	10 000								73 332	78 762			
Republic of Korea					3 000									
Saint Vincent and the Grenadines								1 000						
Spain	1 000													
Swaziland					760									
Sweden	5 000										7 997			

	Contributions received from 1985 to July 1998													
Year	*1985*	*1986*	*1987*	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*
Syrian Arab Republic			1 000											
Thailand								1 000						
Tunisia						2 000			2 000					
Turkey														5 000
Total, annual	**34 500**	**34 711**	**32 500**	**20 500**	**27 666**	**12 000**	**15 934**	**19941.85**	**20 002**	**75 332**	**96 759**	**10 000**	**10 000**	**16 000**